

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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TRENT ANTHONY GUIDRY,

Petitioner,

vs.

9:03-cv-1308

D.B. DREW, Warden,

Respondent.

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Thomas J. McAvoy,  
Senior United States District Judge

**DECISION & ORDER**

This *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 was referred to the Hon. David E. Peebles, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3.

The Report-Recommendation dated November 30, 2005 recommends that the petition be denied and dismissed. The petitioner has filed timely objections to the Report-Recommendation.

When objections to a magistrate judge's Report-Recommendation are lodged, the Court reviews the record *de novo*. See 28 U.S.C. § 636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The Court may also receive further evidence or recommit the matter to the magistrate judge with instructions." Id.

Having review the record *de novo* and having considered the issues raised in the

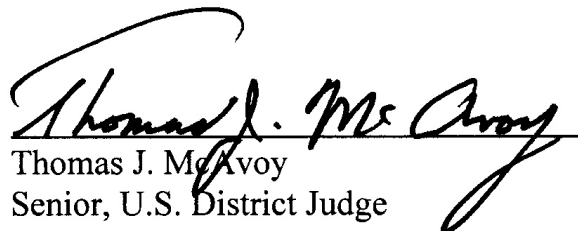
petitioner's objections, this Court has determined to accept and adopt the recommendation of Magistrate Judge Peebles for the reasons stated in the November 30, 2005 Report-Recommendation.

It is therefore

**ORDERED** that the petition is **DENIED** and **DISMISSED**.

**IT IS SO ORDERED.**

Dated: February 16, 2006

  
Thomas J. McAvoy  
Senior, U.S. District Judge